

REMARKS

With the present submission, claims 1, 5-7, 9, 12, 13, and 16-20 are pending, and claims 2-4, 8, 10, 11, 14, and 15 are canceled. Of the pending claims, claims 1, 5-7, 9, 12, and 13 are currently amended, and claims 16-20 are newly-added.

Claims 1-15 stand rejected under 35 U.S.C. § 112, sixth paragraph. Applicants respectfully traverse this rejection as unjustified. The only statement provided as support for this rejection is that applicants' disclosure does not support the claims as drafted.

However, the Office Action does not explain why the disclosure is not believed to provide such support. For example, there is no explanation of why the "inquiry file creating means for ..." of claim 1 is not supported by CPU 11, hard disk 12, and main memory unit 13 as described in applicant's disclosure on page 10, line 9, to page 11, line 27, and shown in Fig. 2.

Furthermore, the Office Action does not identify any discussion in the Manual of Patent Examining Procedure (MPEP) for issuing a rejection on the basis of 35 U.S.C. § 112, sixth paragraph. Do to the lack of any identified authority in the MPEP and only the short allegation that the specification does not correspond to some of the claim elements, the rejection under 35 U.S.C. § 112, sixth paragraph, cannot be proper.

Applicants also disagree that they must "Invoke the right" under 35 U.S.C. § 112, sixth paragraph, to have these claims treated as "means plus function" claims. On the contrary, claim recitations are *automatically* interpreted in accordance with 35 U.S.C. § 112, sixth paragraph, if they are recited in "means plus function" form.

During a telephone conversation with applicants' representative on January 7, 2005, the Examiner explained that a sufficient response would be to identify the sections of the specification that correspond to each claim element that is recited in means-plus-function form.

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Alternatively, applicants could amend the claims so that they do not recite the elements in means-plus-function form anymore.

Applicants fully understand the Examiner's desire to know which portions of the specification correspond to each claim element recited in means-plus-function form. A request for such information is indeed reasonable.

However, applicants have considered their options for response, and they decide instead to amend the claims so that they do not recite elements in means-plus-function form anymore.

Withdrawal of the rejection under 35 U.S.C. § 112, sixth paragraph, is now requested.

Applicants acknowledge the rejections of claims 1-15 under 35 U.S.C. § 102(b) as anticipated by Berman et al. (U.S. Patent No. 5,995,939) and Berman et al. (WO 98/16893), and applicants also acknowledge the rejection of claims 1-15 under 35 U.S.C. § 103(a) as obvious over Killcommons et al. (U.S. Patent No. 6,424,996) in view of Berman et al. As noted above, claims 2-4, 8, 10, 11, 14, and 15 are canceled, thereby rendering their rejection moot. Regarding claims 1, 5-7, 9, 12, and 13, those claims are amended significantly, and they distinguish applicants' invention from the asserted prior art for at least the following reasons:

Regarding claim 1, this claim describes a linkage system in which: (1) an inquiry side computer may read diagnosis and treatment data corresponding to selected patient data from a database and attach them to inquiry mail; and (2) a reply side computer may use the diagnosis and treatment data, edit the data if necessary, generate reply data, and attach the generated data to reply mail. Given the substantial penalty for falsifying diagnosis and treatment data, the concept of using and/or editing the data as taught by applicant cannot be regarded as merely an obvious design choice. Accordingly, claim 1, and claims 5 and 16 depending therefrom, are not rendered unpatentable by the asserted prior art.

Claim 6 describes a computer, which is analogous to the inquiry side computer of claim 1. Hence, for analogous reasons, the asserted prior art does not render unpatentable claim 6 or claims 7 and 17 depending therefrom.

Claim 9 describes a computer, which is analogous to the reply side computer of claim 1. Hence, for analogous reasons, the asserted prior art does not render claim 9 unpatentable. Claim 12 describes a computer program associated with the computer of claim 9, so accordingly the asserted prior art does not render claim 12 unpatentable.

Claim 13 describes a linkage system which can manage the inquiry mail and the reply mail between two medical institutions. (Note the clinic side screen in applicants' Fig. 1 and the hospital side screen in applicants' Fig. 21.) The asserted prior art does not disclose subject matter to render unpatentable a linkage system as described by claim 13.

New claims 18-20 are also not rendered unpatentable by the asserted prior art. Claim 18 describes a computer program associated with the computer of claim 6. Claim 19 describes a computer that is analogous to the inquiry side computer of claim 13. Claim 20 describes a computer that is analogous to the reply side computer of claim 13.

In view of the remarks above, applicants now submits that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicant's undersigned attorney at the telephone number indicated below to arrange for disposition of the case.

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If this paper is not timely filed, applicants petitions for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Joseph L. Felber
Attorney for Applicants
Registration No. 48,109
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

Enclosure: Petition for Extension of Time

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